

Liber M M Philip Shapleigh } The Defend^t having appeared by Vincent Lowe
 ag^t } his Attorney who will pleade in time to Come to
 John Steward } tryall next Court.

Philip Shapleigh } John Brookes late of Dorchester County otherwise
 ag^t } Called John Brookes of Dorchester County Chirur-
 John Brookes } gion was sumoned to answe unto Philip Shap-
 leigh & Joyce his wife Executrix of the goods & Chattells of Daniel
 Holland Deceased in a plea that he Rend^r unto them the Sum^e of
 One Thowsand six hundred Seaventy Two pounds of Tobacco w^{ch}
 from them he unjustly Deteineth.

And whereupon the said Philip and Joyce by Kenelm Chiseldyne
 their Attorney saith that whereas the said John Brookes the thir-
 teenth day of ffebruary in y^e yeare of our Lord 1671. by his Cer-
 teine writing obligatory sealed wth the seale of the said John here in
 Court pduced whose date is the same day and yeare abovementioned did
 binde himself his heires Executo^{rs} Adm^{rs} to pay or Cause to be payd
 unto the said Daniel Holland of the same County his heires Executo^{rs}
 Adm^{rs} the full & Just sum^e of One Thowsand six hundred seaventy
 Two pounds of Tobacco in Caske according to act of Assembly
 due to be payd according to act of Assembly the last of November
 next Ensueing the date hereof at some Convenient place in the
 abovesd County Notwth standing w^{ch} the said John Brookes the sd
 sum^e of 1672^t of Tob according to the Teno^r of the sd bill hath not
 payd though often thereunto Required to the sd Daniel Holland
 while he was living nor to the said Joyce whilst she was sole nor
 to the sd Philip and Joyce since Espowsalls but the same to pay
 altogether Denyes to the Damage of the sd Philip & Joyce 3000^l Tob.
 & thereupon they bring their suite. and the sd Philip and Joyce bring-
 eth also here in Court the L^{res} Testamentary of the sd Daniel that
 it may appeare to the Court here that she is Executrix of the same
 & thereupon hath Adm^{con}.

And the said John by Robert Carvile his Attorney Cometh &
 Defendeth the force & injury when &c & prayeth the hearing of the
 writing obligatory aforesd and it is Read unto him w^{ch} being Read
 & heard he sayth that the said Philip & his wife ought not to have
 their acc^{con} ag^t him for y^t he saith that the said writing obligatory
 is not his act & Deed of this he puts himself upon the Judg^t of the
 Co^{rt} if the sd p^{ts} their acc^{con} aforesd ought to have ag^t him the sd
 John.

And now here at this day to wit y^e 10th of ffeb: 1673. Came the
 said Philip & Joyce by the sd Kenelm their Attorney & offered them-
 selves ag^t the said John Brookes of & upon the p^mises & the said
 John Brookes appeared not but made Default wherefore it is Con-
 sidered by the Co^{rt} here that the sd Philip & Joyce Recover ag^t the
 sd John Brookes as well the sd sum^e of One Thowsand six hundred